

MAY 14 2007

Atty. Docket No. GRA31 P-303

## CERTIFICATE OF FACSIMILE

I hereby certify that this paper, together with all enclosures identified herein, is being sent via facsimile transmission to the U.S. Patent and Trademark Office at 571/273-8300 addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. A total of 3 pages should be received.

05-14-07

Date


  
Jaclyn R. Folkema

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1761  
 Examiner : Helen F. Pratt  
 Appln. No. : 10/624,225  
 Applicants : Nirmal K. Sinha et al.  
 Filing Date : July 22, 2003  
 Confirmation No. : 6962  
 For : PROCESS FOR CONVERTING BRINED SWEET CHERRIES INTO  
       SWEETENED DRIED RED TART CHERRY-LIKE PRODUCTS AND  
       STABILIZED BLACK CHERRY-LIKE PRODUCTS

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Dear Sir:

NOTICE OF APPEAL FROM THE PRIMARY  
EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board from the decision of the Primary Examiner mailed March 14, 2007, finally rejecting claims 1-26.

The items checked below are appropriate:

## 1. STATUS OF APPLICANTS

This application is on behalf of:

other than a small entity  
 small entity

05/15/2007 TL0111 00000072 162463 10624225  
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**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §41(a)(6) the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$250.00
<input type="checkbox"/>	other than a small entity	\$500.00

Notice of Appeal fee due: \$250.00

**3. EXTENSION OF TIME**

*(complete (a) or (b) as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(a)  Applicant petitions for an extension of time under 37 C.F.R. §§41.37(e) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$120.00	\$60.00
<input type="checkbox"/> two months	\$450.00	\$225.00
<input type="checkbox"/> three months	\$1020.00	\$510.00

Fee: \$

If an additional extension of time is required please consider this a petition therefor.

*(check and complete the next item, if applicable)*

(b)  An extension for  months has already been secured and the fee paid therefor of \$  is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$

or

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(b)  Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee: \$250.00  
Extension fee (if any): \$0.00

Total Fee Due: \$250.00

**5. FEE PAYMENT**

Attached is a check in the sum of \$  
 Charge Account No. 16-2463 the sum of \$250.00

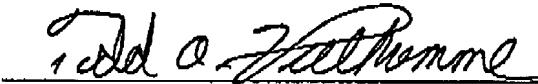
**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, charge Account No. 16-2463.

and/or

If any additional fee for claims is required, charge Account No. 16-2463.

Respectfully submitted,

  
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TAV/jrf